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*Attorneys for the Plaintiff,
ADT Security Services, Inc.*

*Attorneys for Defendants Security One
International, Inc. and Claudio Hand*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

ADT SECURITY SERVICES, INC.,

Plaintiff,

vs.

SECURITY ONE INTERNATIONAL, INC.,
et al.,

Defendants.

CIVIL ACTION No. C 11-05149 YGR

**~~PROPOSED~~ ORDER REGARDING
TRIAL STIPULATIONS**

Trial Date: September 16, 2013
Time: 8:00 a.m.

JURY TRIAL DEMAND

1 Plaintiff ADT Security Services, Inc. ("ADT") and Defendants Security One
 2 International, Inc. and Claudio Hand ("Defendants") jointly submit this Proposed Order
 3 regarding trial stipulations. The parties agree that the terms of this stipulation shall not be
 4 binding or effective unless and until the Court accepts the stipulated terms in their entirety. The
 5 parties reserve the right to withdraw agreement to any or all terms if the Court chooses not to
 6 accept any term.

7 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through
 8 their respective counsel of record, as follows:

9 **TRIAL STIPULATIONS AND PROPOSED ORDER**

10 1. The parties stipulate that counsel will produce employees of their respective
 11 clients listed on the witness lists to testify in this action.

12 2. The parties stipulate that the court may take judicial notice of the number of
 13 households in the United States as published on the U.S. Census bureau website, 114,761,359 for
 14 2007-2011.

15 3. The parties stipulate that for any witness who is testifying via trial deposition
 16 rather than through live testimony, the relevant excerpts will be read into the record by an
 17 attorney and paralegal or by two attorneys for the party offering the witness or designation.

18 4. The parties stipulate that to the extent that recordings are played during the trial,
 19 the parties agree to waive the court reporting of said recordings.

20 5. The parties stipulate that any evidence or testimony regarding any of Defendants'
 21 insurance is inadmissible.

22 6. The parties stipulate that ADT is precluded from introducing at trial (via proposed
 23 jury instruction or otherwise) any evidence regarding any provisions of the Lanham Act not
 24 included in the Fourth Amended Complaint, in particular 15 U.S.C. § 1125(a)(1)(B).

25 7. The parties stipulate that ADT will not seek as damages disgorgement of Security
 26 One's profits.

27 8. The parties stipulate to incorporate into the trial record without the necessity of
 28 supporting testimony or exhibits the undisputed fact that Security One has not been a Honeywell

1 dealer or affiliated with Honeywell, nor has Honeywell at any time authorized Security One to
2 represent itself as having an business relationship or affiliation with Honeywell or use its logo
3 during the time period relevant to this case; however, Security One has legally sold and installed
4 Honeywell equipment during the relevant period.

5
6
7 **IT IS SO STIPULATED.**
8

9 Dated: August 27, 2013

Respectfully submitted,

10 MILLSTEIN & ASSOCIATES

11 By: /s/ David J. Millstein
12 David J. Millstein

13 McNEW P.A.

14 By: /s/ C. Sanders McNew
15 C. Sanders McNew

16 *Attorneys for the Plaintiff,*
17 *ADT Security Services, Inc.*

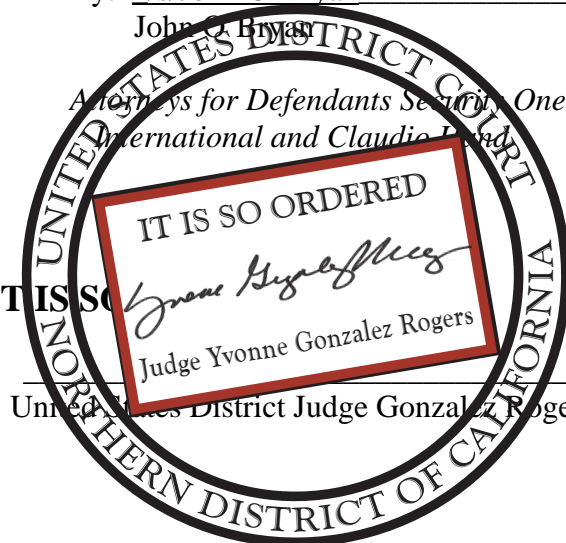
18
19 FREEBORN & PETERS LLP

20 By: /s/John O'Bryan
21 John O'Bryan

22 *Attorneys for Defendants Security One*
23 *International and Claudio Pineda*

24
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

26 Dated: September 9, 2013.



ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, David J. Millstein, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27th day of August 2013, at San Francisco, California.

/s/ David J. Millstein

David J. Millstein